

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Evan C. Borges (Bar No. 128706)</p> <p>GREENBERG GROSS LLP</p> <p>650 Town Center Drive, Suite 1700, Costa Mesa, CA 92626</p> <p>Telephone: 949-383-2800 Facsimile: 949-383-2801</p> <p>Email: EBorges@GGTrialLaw.com</p> <p><input type="checkbox"/> Individual appearing without attorney</p> <p><input checked="" type="checkbox"/> Attorney for: Defendant Erika Girardi</p>	<p>FOR COURT USE ONLY</p> <p>CV22-5176-DSF</p>
<p align="center">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION</p>	
<p>In re: GIRARDI KEESE</p> <p align="right">Debtor(s).</p>	<p>CASE NO.: 2:20-bk-21022-BR ADVERSARY NO.: 2:21-ap-01155-BR (if applicable) CHAPTER: 7</p>
<p>ELISSA D. MILLER, Chapter 7 Trustee for the Estate of Girardi Keese,</p> <p align="right">Plaintiff(s) (if applicable). vs.</p> <p>ERIKA N. GIRARDI, an individual; EJ GLOBAL, LLC, a limited liability company; and PRETTY MESS, INC., a corporation</p> <p align="right">Defendant(s) (if applicable).</p>	<p align="center">NOTICE OF APPEAL AND STATEMENT OF ELECTION</p>

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): Defendant Erika Girardi

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff

☒ Defendant

☐ Other (describe):

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor

☐ Creditor

☐ Trustee

☐ Other (describe):

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from:
Order re Chapter 7 Trustee's Motion for Turnover of Personal Property (Dkt. 58)
2. The date the judgment, order, or decree was entered: July 11, 2022

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (*attach additional pages if necessary*):

1. Party: Elissa D. Miller, Chapter 7 Trustee for the Estate of Girardi Keese

Attorney:
Larry W. Gabriel
JENKINS MULLIGAN & GABRIEL LLP
585 Lorna Lane
Los Angeles, CA 90049
Telephone: 818-943-8992
Email: lgabrielaw@outlook.com

2. Party:

Attorney:

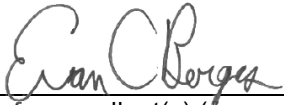
Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

Evan C. Borges



Date: 07/25/2022

Signature of attorney for appellant(s) (or appellant(s)

if not represented by an attorney)

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
650 Town Center Drive, Suite 1700, Costa Mesa, CA 92626

A true and correct copy of the foregoing document entitled: **NOTICE OF APPEAL AND STATEMENT OF ELECTION** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 07/25/2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* 07/25/2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

07/25/2022

Cheryl Winsten

Date

Printed Name

Signature



In re GIRARDI KEESE

Case No. 2:20-bk-21022-BR

Elissa D. Miller. Chapter 7 Trustee v. Erika N. Girardi, et al.

Case No. 2:21-ap-01155-BR

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING:

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- **Ori S Blumenfeld** oblumenfeld@laklawyers.com, nlessard@laklawyers.com;smcfadden@laklawyers.com
- **Evan C Borges** eborges@ggtriallaw.com, cwinsten@ggtriallaw.com
- **Larry W Gabriel** lgabrielaw@outlook.com, tinadow17@gmail.com
- **Daniel A Lev** daniel.lev@gmlaw.com, cheryl.caldwell@gmlaw.com;dlev@ecf.courtdrive.com
- **Craig G Margulies** Craig@MarguliesFaithlaw.com, Vicky@MarguliesFaithlaw.com;Helen@MarguliesFaithlaw.com; Angela@MarguliesFaithlaw.com
- **Elissa Miller (TR)** CA71@ecfcbis.com, MillerTrustee@gmlaw.com;C124@ecfcbis.com;cheryl.caldwell@gmlaw.com; cheryl.caldwell@ecf.courtdrive.com
- **Ronald N Richards** ron@ronaldrichards.com, 7206828420@filings.docketbird.com
- **Frank X Ruggier** frank@ruggierlaw.com, enotice@pricelawgroup.com
- **United States Trustee (LA)** ustpregion16.la.ecf@usdoj.gov
- **Timothy J Yoo** tjy@lnbyb.com

3. SERVED BY OVERNIGHT MAIL

U.S. Bankruptcy Court:

U.S. Bankruptcy Court

Hon. Barry Russell

255 E. Temple Street, Suite 1668

Los Angeles, CA 90012

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Email: lgabrielaw@outlook.com

Special Litigation Counsel for Plaintiff
Elissa D. Miller, Chapter 7 Trustee



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re GIRARDI KEESE,

Debtor.

Case No. 2:20-bk-21022-BR

ELISSA D. MILLER, Chapter 7 Trustee for the
Estate of Girardi Keese,

Adv. Case: 2:21-ap-01155-BR

**ORDER RE CHAPTER 7 TRUSTEE'S
MOTION FOR TURNOVER OF
PERSONAL PROPERTY**

Plaintiff,

vs.

ERIKA J. GIRARDI, an individual; EJ
GLOBAL, LLC, a limited liability company; and
PRETTY MESS, INC., a corporation,

Date: June 28, 2022
Time: 2:00 p.m.
Place: Courtroom 1668
Edward R. Roybal Federal Building
255 E. Temple Street
Los Angeles, CA 90012

Defendants.

Judge: Barry Russel

A hearing was held on June 28, 2022, at 10:00 a.m. before the Honorable Barry Russell, United States Bankruptcy Judge, in Courtroom 1668 of the United States Bankruptcy Court, located at 255 E. Temple Street, Los Angeles, California 90012, to consider the Motion of the Chapter 7 Trustee for an Order Compelling Turnover of Personal Property, the Declarations of Elissa D. Miller, Daphne Masin, and Larry W. Gabriel [Doc. 28] (the "Motion") and the Trustee's

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1 Request for Judicial Notice, [Doc. 29] filed by Elissa D. Miller, the Chapter 7 Trustee (the
2 “Trustee”) for the bankruptcy estate of Girardi Keese (the “Debtor”). Larry W. Gabriel of Jenkins
3 Mulligan & Gabriel LLP appeared on behalf of the Trustee, and Evan C. Borges of Greenberg
4 Gross LLP appeared on behalf of Erika Girardi.

5 The Court, having considered the Trustee’s Motion and Request for Judicial Notice, Erika
6 Girardi’s Opposition to the Motion [Doc. 47] and the Trustee’s Reply to the Opposition [Doc. 48],
7 and having considered the statements of counsel made at the hearing on the Motion, and good
8 cause appearing,

9 **IT IS HEREBY ORDERED THAT:**

- 10 1. The Motion is granted;
- 11 2. The parties acknowledged that the Diamond Earrings (the “Property”) identified in
12 the Motion and pursuant to the previous stipulations of the parties and orders thereon, [Docs. 36,
13 37, 43 and 44] have been placed in the possession of the Trustee, and that the same now are
14 contained in a safety-deposit box at a duly qualified and insured banking institution;
- 15 3. That the Trustee shall maintain possession and control of the Property until such
16 time as the Property has been appraised, at which time the Trustee may notice a sale of the
17 Diamond Earrings.
- 18 4. The Trustee shall then maintain the proceeds from the sale of the Property in a
19 segregated Trust account, subject to further order of the Court.

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22
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24 Date: July 11, 2022



Barry Russell
United States Bankruptcy Judge